

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 26

September 24, 2002

SUBJECT: ABATEMENT AND CONDITIONAL USE PERMIT PROCESS - REVISED

PURPOSE: The purpose of this Order is to revise the Department's Abatement and Conditional Use Permit process as described in Department Manual Section 4/720.79.

PROCEDURE:

I. CITYWIDE NUISANCE ABATEMENT PROBLEM PROPERTY REFERRAL, FORM 3.19.1 - REVISED. The Citywide Nuisance Abatement Problem Property Referral, Form 3.19.1, has been revised.

A. Use of Form. This form is used to document a location or property that is a public nuisance and may require abatement, Conditional Use Permit (CUP) review, or nuisance abatement revocation review procedures.

B. Completion. The form shall be completed in the following manner, depending on the status of the process.

1. **When the status of the case is "Original,"** the form shall be completed at the time the abatement is initiated.

2. **When the status of the case is "Follow-up,"** the form shall be completed every 90 days from the date the investigation was initiated. A summary of progress achieved shall be documented in the space provided.

3. **When the status of the case is "Closeout,"** the form shall be completed when the investigation is closed. A summary of the progress achieved for the entire investigation shall be included in the space provided.

C. Distribution.

1 - Original, Criminal Intelligence Group.

1 - Copy, Narcotics Division, Citywide Nuisance Abatement Unit.

1 - Copy, initiating Department entity.

1 - Copy, Bureau Abatement Coordinator (BAC).

4 - TOTAL

II. INITIAL/PRELIMINARY PUBLIC NUISANCE DETERMINATION. A Department employee who becomes aware of a public nuisance location shall bring it to the attention of an immediate supervisor. That supervisor shall ensure that a Citywide Nuisance Abatement Problem Property Referral, Form 3.19.1, is completed and forwarded to the Area commanding officer responsible for the location. The Area commanding officer shall evaluate the situation and determine if the location requires the initiation of a preliminary investigation based upon the following criteria:

- * The location is an ongoing problem;
- * The owner/lessee is aware of the problem and is unable or unwilling to voluntarily cooperate in solving the problem; and,
- * Standard law enforcement efforts have proven to be unsuccessful in solving the problem.

When the Area commanding officer determines that a location meets the preliminary investigation criteria, the investigating officer shall complete an Abatement Package consisting of the original Form 3.19.1, and a historical profile of the nuisance location. The historical profile shall include:

- * Written documentation, complaints from the community, elected officials, or other enforcement agencies, and any previous correspondence with the owner/lessee of the nuisance location;
- * A Consolidated Crime Analysis Database (CCAD) Report for at least the two preceding years;
- * A copy of any crime, arrest, or other police reports within a minimum of the two preceding years that reflect the relationship between the location and the ongoing nuisance activity;
- * A report from the Project Unit, Communications Division, documenting the number and type of calls for service that have occurred at the location for the past two years. The request for this report shall be made on an Intradepartmental Correspondence, Form 15.2; and,
- * Any additional pertinent documentation such as a Sergeant's Daily Report, Form 15.48, which will assist in the review process.

III. AREA COMMANDING OFFICER'S RESPONSIBILITY.

A. Preliminary Investigation. Upon receiving the preliminary investigation, the Area commanding officer shall review the package for completeness and accuracy. If it is determined that the matter should be pursued further, the Area commanding officer shall:

- * Sign and forward the original Form 3.19.1, and historical package to the Bureau Abatement Coordinator (BAC); and,
- * Retain a copy of the Form 3.19.1, and the historical package at the Area vice unit.

B. Approved Abatement Package. After receiving the approved abatement package from the BAC, the Area commanding officer shall:

- * Ensure that the investigating officer conducts a thorough investigation into the abatement, Conditional Use Permit review, or nuisance abatement revocation review process;
- * Ensure that the investigating officer completes a 90-day follow-up and closeout using Form 3.19.1, and that copies are forwarded to the BAC; and,
- * Ensure a representative attends all relevant hearing(s).

IV. BUREAU ABATEMENT COORDINATOR RESPONSIBILITY. Upon receipt of the abatement package from the Area commanding officer, the BAC shall review the package for accuracy and content ensuring that the required documents are included and the elements necessary to initiate an abatement have been completed. If the package is complete and the required elements have been met, the BAC shall forward the abatement package to the following entities in the following sequence:

- * The Citywide Nuisance Abatement Program (CNAP) Administrative Coordinator to obtain a CNAP Control Number;
- * The Commanding Officer, Organized Crime and Vice Division (OCVD), for abatements involving vice nuisances, or the Commanding Officer, Field Enforcement Section (FES), Narcotics Division (ND), for abatements involving narcotic nuisances; and,

- * The Director of the Citywide Nuisance Abatement Program (CNAP, 1645 Corinth Avenue, Room 113, Los Angeles, CA 90025), who will make the final recommendation whether to approve, reject or refer the package to another agency for further investigation.

After approval or denial of the request, the BAC shall return the package to the Area commanding officer.

Additionally, the BAC shall:

- * Forward a copy of the Form 3.19.1, to the Commanding Officer, Criminal Intelligence Group; and,
- * Maintain a file of all ongoing abatements affecting the bureau.

V. COMMANDING OFFICER, ORGANIZED CRIME AND VICE DIVISION RESPONSIBILITY. The Commanding Officer, OCVD, is responsible for approving and disapproving requests for a formal abatement or Conditional Use Permit review process and shall:

- * For a disapproval, sign and return the abatement package to the Area commanding officer via the BAC, indicating the reason(s) for the disapproval; or,
- * For an approval, sign and return the abatement package to the Area commanding officer via the BAC.

VI. COMMANDING OFFICER, FIELD ENFORCEMENT SECTION, NARCOTICS DIVISION RESPONSIBILITY. The Commanding Officer, FES, ND, is responsible for approving and disapproving requests for a formal narcotic abatement and shall:

- * For a disapproval, sign and return the abatement package to the Area commanding officer via the BAC, indicating the reason(s) for the disapproval; or,
- * For an approval, sign and return the abatement package to the Area commanding officer via the BAC.

VII. NUISANCE ABATEMENT AND CONDITIONAL USE PERMIT COORDINATOR RESPONSIBILITY. The Commanding Officer, Criminal Intelligence Group (CIG), is the Department Nuisance Abatement/CUP Coordinator and shall:

- * Monitor all requests for nuisance or narcotic abatements; and,

Note: This is accomplished when BACs forward copies of Forms 3.19.1, with CNAP Control Numbers to the Commanding Officer, CIG.

- * Maintain copies of Forms 3.19.1, with a CNAP Control Number for abatements initiated by the Narcotics Abatement Unit and OCVD.

VIII. NARCOTICS DIVISION/CITYWIDE NUISANCE ABATEMENT PROGRAM RESPONSIBILITY. The Narcotics Abatement Unit, ND, shall:

- * Advise and train Department employees on narcotics abatements;
- * Assume responsibility for the investigation when specific expertise is required for an abatement; and,
- * Forward copies of all Forms 3.19.1, initiated by the Narcotics Abatement Unit to the Commanding Officer, CIG, and a copy to the applicable BAC.

The Narcotics Abatement Unit shall be exempt from forwarding abatement packages initiated by the unit to the BAC.

IX. ORGANIZED CRIME AND VICE DIVISION RESPONSIBILITY. The Community Problems Unit, OCVD, shall:

- * Advise and train Department employees and business groups on CUP reviews and nuisance abatements;
- * Assume responsibility for the investigation when specific expertise is required for the abatement; and,
- * Forward copies of all Forms 3.19.1, initiated by OCVD to the Commanding Officer, CIG, and a copy to the applicable BAC.

Organized Crime and Vice Division shall be exempt from forwarding abatement packages initiated by the unit to the BAC.

X. VICE INVESTIGATIONS THAT RESULT IN ABATEMENT ACTION. When a vice condition reported on a Vice Report, Form 3.18, results in the initiation of an abatement proceeding, the investigating officer shall:

- * Using the follow-up format (Form 3.18), close the case using the "Other" justification category, and ensure the "Reason for Continuance" heading indicates the case is "Closed Pending Abatement;"

- * Complete a follow-up Form 3.18 each quarter (from the date of the initial proceeding) and summarize the status of the abatement proceedings for that period until the case has concluded; and,
- * Upon the conclusion of the abatement proceedings, complete a closeout 3.18 report (follow-up), summarizing the final results of the abatement.

FORM AVAILABILITY: Form 3.19.1 will be available for ordering from the Department of General Services, Distribution Center, in about 90 days. A copy of the form is attached for reference as needed. All existing stock of the obsolete forms should be discarded into divisional recycling bins.

ADMENDMENTS: This Order amends Sections 4/720.79 and 5/3.19.1 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, CIG, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

MARTIN H. POMEROY
Chief of Police

Attachment

DISTRIBUTION "A"